

Inner City Press

July 29, 2025

By ECF

Hon. Katherine Polk Failla, United States District Judge
Southern District of New York, 40 Foley Square, New York, NY 10007

Re: Press application to unseal transcript of July 25, 2025, including but not limited to the basis for sealing, in USA v. Roman Storm, 23-cr-430 (KPF)

Dear Judge Failla:

Inner City Press has been covering the above captioned case, like many others, since its indictment.

On July 29 there was a discussion in open court about Tom Schmidt of Dragonfly, on the defense's witness list, and the Fifth Amendment. After several exchanges, AUSA Rehn said the transcript should be sealed. And so it has been - in such a way that even the basis for sealing has been sealed.

This is a request, on behalf of Inner City Press and in my personal capacity, to unseal that transcript. As for example the Second Circuit ruled yesterday in *Lee v. Greenwood*, 23-7432 (Ramos), sealing must be justified by "specific, on-the-record findings that sealing is necessary to preserve higher values." See, https://www.ca2.uscourts.gov/decisions/isysquery/951288b2-3be2-421a-b914-d6d19c276f04/2/doc/23-7432_opn.pdf

I appreciated Your Honor moving the pre-charge conference back into Courtroom 110 last week, and hope that this request to unseal is similarly viewed. If necessary, I am available to answer any questions on 15 minutes notice.

If necessary, the Government can make a public argument for sealing under *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119 (2d Cir. 2006) - which states, "The common law right of public access to judicial documents is firmly rooted in our nation's history."

At a recent meeting of this Court's Media Access Committee it was suggested that such a press request should be made in writing to the District Judge; the AUSA and defense have received it by email and now ECF. But it would seem to be up to the Court to unseal. Please act on this challenge to the sealing(s) in this case, as SDNY Judges Hellerstein, Castel, Caproni, Subramanian, Furman and

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others have done. See, e.g.,

<https://storage.courtlistener.com/recap/gov.uscourts.nysd.516151/gov.uscourts.nysd.516151.85.0.pdf> .

If deemed necessary, this now is a request to intervene, see *United States v. All Funds on Deposit at Wells Fargo Bank*, 643 F. Supp. 2d 577, 580 (S.D.N.Y. 2009)

Please act on this request, as soon as possible.

Thank you.

Respectfully submitted,

/s/

Matthew Russell Lee, Inner City Press

All counsel by ECF